

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**ROGER PARKER, on his own behalf and
on behalf of all others similarly situated,**

Plaintiff,

v.

**PERDUE FARMS, INC. and PERDUE
FOODS, LLC,**

Defendant.

Case No. 5:22-cv-00268-TES

**PLAINTIFFS' MOTION FOR CONDITIONAL CERTIFICATION AND
TO FACILITATE NOTICE PURSUANT TO 29 U.S.C. § 216(b)**

Pursuant to Section 216(b) of the FLSA, Plaintiff Roger Parker (“Plaintiff,” and along with opt-in Plaintiff Barbara Tripp, “Plaintiffs”)), on behalf of themselves and all others similarly situated, request that the Court conditionally certify the following collective¹:

All individuals who currently or formerly grew chickens for Perdue under a Perdue Poultry Producer Agreement from [insert date three years prior to the date that the Court issues an Order granting Conditional Certification] and the present (the “FLSA Collective”)

Plaintiffs further request that the Court permit notification to potential class members of the existence of this lawsuit, thereby providing the potential class members with the opportunity to opt-in to this litigation.

As more fully explained in the Memorandum of Law filed with this motion, in making its determination, the Court must first determine whether the proposed members of the collective are “similarly situated.” In making this determination, the Court should apply a lenient standard given the posture of this litigation. Here, the determination is simple. The members of the Proposed Collective all signed the same Poultry Producer Agreement authored and enforced by Perdue, and all were subject to either identical or substantially similar guidelines and supervision. Perdue controlled all members of the Proposed Collective in the same way, and it paid them all in the same manner, including by inappropriately deducting from their pay expenses that Perdue required these employees to incur for Perdue’s sole benefit.

Plaintiffs have also proven that, if notice were to be sent to the Proposed Collective, other growers would desire to join this suit. Even before such notice issued, a Perdue grower, Barbara

¹ Perdue also operates under the names Draper Valley Farms in Washington and Petaluma Poultry in California. The proposed collective does not include growers subject to the Draper Valley Farms Broiler Growing Agreement or the Petaluma Broiler Growing Agreement. Throughout this Motion, “Perdue growers” will refer only to growers subject to the Perdue Poultry Producer Agreement.

Tripp, filed an opt-in consent form, ECF 49, which this Court has recognized is the best evidence of desire to join. *See, e.g., Haynes v. Willie Lamar Block & Brick Constr.*, No. 5:17-CV-00442-TES, 2018 WL 6521476, at *3 (M.D. Ga. Oct. 24, 2018) (Self, J.). The Proposed Collective should thus be conditionally certified.

The Court should also authorize Plaintiffs to provide notice and a reminder notice to members of the putative class and instruct Perdue to provide sufficient information to Plaintiffs to permit them to provide such notice. No individualized inquiry is required into the circumstances unique to proposed collective members. Moreover, Plaintiffs' Proposed Notice and Opt-In form meet the requirements of timeliness, accuracy, and being informative of nature. A copy of the proposed Notice and Opt-In Form are attached hereto as Exhibits 1 and 2 respectively.

Thus, Plaintiffs' Motion to Facilitate Notice pursuant to 29 U.S.C. § 216(b) ("Notice Motion") should be granted and the Court should (1) order Perdue to produce a list of individuals in the collective, and (2) authorize the attached Notice and Opt-in Form to be distributed to the potential collective members as soon as practicable.

Dated: December 6, 2023

Respectfully submitted,

/s/ Jamie Crooks

Jamie Crooks (admitted *pro hac vice*)

D.C. Bar No. 156005

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CERTIFICATE OF SERVICE

I hereby certify that, on this day, I caused a true and correct copy of the foregoing document to be filed with the clerk's office using this Court's CM/ECF system, which will automatically send notice of such filing to all counsel of record.

This 6th day of December, 2023.

/s/ Jamie Crooks

Jamie Crooks (admitted *pro hac vice*)

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Counsel for Plaintiff and the Putative Class